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EXAMINER
PATEL, CHANDRAHAS B

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/629,521	MITSUMORI ET AL.
	Examiner	Art Unit	
	Chandrahas Patel	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 April 2005</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-49*</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>*1-10,13-18,22-36,38-42 and 45-49*</u> is/are rejected.
7)☒ Claim(s) <u>*11,12,19-21,37,43 and 44*</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>*29 July 2003*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The lengthy specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting any

errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Regarding claim 27, the applicant recites a system for monitoring communication in line

1 of claim 27 while, in line 2 applicant describes a method. The applicant must distinctly claim

the subject matter as recited in the statue.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 6, 8, 13, 14, 22-25, 27-29, 32, 34, 38, 39, 45-48 are rejected under 35

U.S.C. 102(e) as being anticipated by Sheu (USPN 7,099,301).

Regarding claim 1, Sheu teaches a computerized method for monitoring

communications in a packet switched network **[Col. 2, lines 34-48]**, the method comprising:

initiating a communication between a network endpoint associated with a call mediator and at

least a second network endpoint **[Col. 8, lines 53-60, Col. 9, lines 1-7, 160 is associated with**

150 as shown in Fig. 5 and described in Col. 7, lines 6-9]; recording, at the call mediator,

information associated with the communication **[Col. 8, lines 32-34]**; and upon termination of

the communication, communicating, from the call mediator to an enterprise gatekeeper, the

information associated with the communication **[Col. 9, lines 37-40]**.

Regarding claim 2 and 28, Sheu teaches the communication comprises a VoIP

communication **[Col. 9, lines 15-25]**.

Regarding claim 3, Sheu teaches recording a network identifier associated with a

network endpoint **[Col. 7, lines 1-5]**.

Regarding claims 6 and 32, Sheu teaches recording the duration of the communication

[Col. 9, lines 37-40].

Regarding claims 8 and 34, Sheu teaches recording a termination cause code **[Col. 11,**

lines 15-23].

Regarding claims 13 and 38, Sheu teaches communicating the information in a

disconnect request **[Col. 9, lines 34-40]**.

Regarding claims 14 and 39, Sheu teaches communicating a disconnect request

containing a billing token containing information associated with the communication [Col. 9,

lines 34-40, user-relate credit information indicates billing info for user].

Regarding claims 22 and 45, Sheu teaches a call mediator located at a customer site

serviced by an enterprise gatekeeper located at a different location [Fig. 5, 160 is associated

with 150 and located at customer site as described in Col. 5, lines 40-46, Gatekeeper 140 is

located at different location as described in Col. 5, lines 50-52].

Regarding claim 23 and 46, Sheu teaches a call mediator is controlled by a customer

[Fig. 5, 160, it's a single user device so is controlled by a customer] and an enterprise

gatekeeper is controlled by a service provider [Fig. 5, 140 is associated with a database which

is controlled by a service provider].

Regarding claims 24 and 47, Sheu teaches recording information that is accessible to

the customer controlling the call mediator [Col. 6, lines 55-59, gateway 160 (which is call

mediator) sends information to gatekeeper that is also accessible by customer].

Regarding claims 25 and 48, Sheu teaches storing the information associated with the

communication at the enterprise gatekeeper [Col. 9, lines 37-42].

Regarding claim 27, Sheu teaches a system for monitoring communications in a packet

switched network [Col. 2, lines 34-48], the method comprising: a first network endpoint

associated with a call mediator [Fig. 2, 150a is associated with 160a as shown in Fig. 5]; at

least a second network endpoint [Fig. 2, 150b]; and an enterprise gatekeeper [Fig. 2, 140a];

wherein the first network endpoint initiates a communication with the second network endpoint

[Col. 8, lines 53-60, Col. 9, lines 1-7]; wherein the call mediator records information associated

with the communication **[Col. 8, lines 32-34]**; and wherein upon termination of the communication, the call mediator communicates to the enterprise gatekeeper, the information associated with the communication **[Col. 9, lines 37-40]**.

Regarding claim 29, Sheu teaches the information associated with the communication comprises a network identifier associated with a network endpoint **[Col. 7, lines 1-5]**.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 4, 5, 7, 30, 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheu (USPN 7,099,301) in view of Galloway (USPN 5,430,709).

Regarding claims 4 and 30, Sheu teaches a method and a system as discussed in rejection of claim 1 and claim 27.

However, Sheu does not teach recording the start time of the communication.

Galloway teaches recording the start time of the communication **[Col. 9, lines 16-27]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a call mediator that records the start time of the communication so that call generation time could be determined **[Col. 9, lines 16-27]**.

Regarding claim 5 and 31, Sheu teaches a method and a system as discussed in rejection of claim 1 and claim 27.

However, Sheu does not teach recording the stop time of the communication.

Galloway teaches recording the stop time of the communication [Col. 9, lines 16-27].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a call mediator that records the stop time of the communication so that most recently received packet could be determined [Col. 9, lines 16-27].

Regarding claims 7 and 33, Sheu teaches a method and a system as discussed in rejection of claim 1 and claim 27.

However, Sheu does not teach recording an amount of data transferred between the network endpoints.

Galloway teaches recording an amount of data transferred between the network endpoints [Col. 9, lines 43-45].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a call mediator that records an amount of data transferred between the network endpoints so that amount of data transferred can be validated [Col. 9, lines 43-45].

8.   Claims 9 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheu (USPN 7,099,301) in view of Kneipp (USPN 6,102,970).

Regarding claims 9 and 35, Sheu teaches a method and a system as discussed in rejection of claim 1 and claim 34.

However, Sheu does not teach recording an alphanumeric termination cause code.

Kneipp teaches an alphanumeric termination cause code [Col. 4, lines 38-47].

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to record an alphanumeric termination code at call mediator so that type of reply can

be determined from alphanumeric code **[Fig. 6A]**.

9.   Claims 10 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheu

(USPN 7,099,301) in view of Kneipp (USPN 6,102,970) as applied to claim 9 and 35 above, and

further in view of Meisel (USPN 7,197,640).

Regarding claims 10 and 36, the references teach a method and a system as discussed in

rejection of claim 9 claim 35.

However, the references do not teach translating the alphanumeric termination cause code

into a numeric termination cause code.

Meisel teaches translating the alphanumeric termination cause code into a numeric

termination cause code **[Col. 3, lines 50-52]**.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to record a alphanumeric termination code and translate the code into a numeric

termination cause code so that unique alphanumeric codes can be generated that are unique **[Col.
3, lines 52-56]**.

10.   Claims 15-17, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sheu (USPN 7,099,301) in view of Kwan et al. (US-PGPUB 2004/0255154, Herein as Kwan).

Regarding claim 15, Sheu teaches a method as discussed in rejection of claim 15.

However, Sheu does not teach creating an authentication record containing information associated with the communication by parsing the information associated with the communication.

Kwan teaches creating an authentication record containing information associated with the communication by parsing the information associated with the communication **[Page 5, Paragraph 63]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create an authentication record by parsing the communication information so that it can be determined if associated information has been provided for the user **[Page 5, Paragraph 63]**.

Regarding claims 16 and 41, Kwan further teaches creating a RADIUS record **[Page 5, Paragraph 63]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create a RADIUS record so that user authentication functions can be performed **[Page 3, Paragraph 33]**.

Regarding claim 17, Sheu (Primary reference) further teaches creating an authentication record is performed by the enterprise gatekeeper **[Col. 9, lines 37-40, updating credit information will update authentication record]**.

Regarding claim 40, Sheu teaches enterprise gatekeeper creates an authentication record containing information associated with the communication **[Col. 9, lines 37-40, updating credit information will update authentication record]**.

However, Sheu does not teach creating an authentication record by parsing the information associated with the communication.

Kwan teaches creating an authentication record containing information associated with the communication by parsing the information associated with the communication **[Page 5, Paragraph 63]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create an authentication record by parsing the communication information so that it can be determined if associated information has been provided for the user **[Page 5, Paragraph 63]**.

11.   Claims 18 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheu (USPN 7,099,301) in view of Kwan et al. (US-PGPUB 2004/0255154, Herein as Kwan) as applied to claim15 and 40 above, and further in view of Justice et al. (USPN 6,516,056, Herein as Justice).

Regarding claims 18 and 42, the references teach a method and a system as discussed in rejection of claim 15 and 40.

However, the references do not teach sending authentication record from the enterprise gatekeeper to a remote authentication server.

Justice teaches sending authentication record from the enterprise gatekeeper to a remote authentication server **[Col. 5, lines 59-63, server 38 is gatekeeper for network shown in Fig. 1]**.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to communicate the authentication record from gatekeeper to a remote authentication

server so that fraud can be checked **[Col. 5, lines 63-67]**.

12.   Claims 26 and 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheu

(USPN 7,099,301) in view of Devine et al. (USPN 6,763,376, Herein as Devine).

Regarding claims 26 and 49, Sheu teaches a method and a system as discussed in

rejection of claim 25 and 49.

However, Sheu does not teach the information stored at the enterprise gatekeeper is not

accessible to the customer.

Devine teaches information stored at the enterprise gatekeeper is not accessible to the

customer **[Col. 9, lines 10-21]**.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to not let customers access information at the enterprise gatekeeper to ensure internal

systems security and integrity **[Col. 9, lines 19-21]**.

Allowable Subject Matter

13.   Claims 11, 12, 19-21, 37, 43, 44 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chandrahas Patel whose telephone number is 571-270-1211. The

examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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CBP

RICKY Q. NGO
SORY PATENT EXAMINER